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ATTORNEYS FOR PLAINTIFFS, CARPENTERS SOUTHWEST
ADMINISTRATIVE CORPORATION and BOARD OF TRUSTEES
FOR THE CARPENTERS SOUTHWEST TRUSTS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CARPENTERS SOUTHWEST
ADMINISTRATIVE CORPORATION, a
California non-profit corporation; and
BOARD OF TRUSTEES FOR THE
CARPENTERS SOUTHWEST TRUSTS,

Plaintiffs,

v.

AMERICAN SCAFFOLD, a
California corporation, doing business
as AMERICAN SCAFFOLD, INC.;
WEST COAST SCAFFOLDING, INC., a
California corporation, also doing business
as AMERICAN SCAFFOLD, INC., also
doing business as AMERICAN
SCAFFOLD; SHAWN HUANG, an
individual; ALVIN McDONALD RUIS,
JR., an individual; AMERICAN
CONTRACTORS INDEMNITY
COMPANY, a California corporation;
and DOES 1 through 10, inclusive,

Defendants.

CASE NO. SACV 11-00792
JVS(ANx)

JUDGMENT

Before the Honorable
James V. Selna

DATE: November 14, 2011
TIME: 1:30 p.m.
CTRM: 10C

Pursuant to the Court's Order Granting Plaintiffs' Motion for Default Judgment (Docket No. 28), the Court enters the following Judgment.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that CARPENTERS SOUTHWEST ADMINISTRATIVE CORPORATION and BOARD OF TRUSTEES FOR THE CARPENTERS SOUTHWEST TRUSTS have judgment as follows:

AS TO CARPENTERS SOUTHWEST ADMINISTRATIVE CORPORATION and BOARD OF TRUSTEES FOR THE CARPENTERS SOUTHWEST TRUSTS' FIRST AND FOURTH CLAIMS FOR RELIEF AGAINST AMERICAN SCAFFOLD, a California corporation, doing business as AMERICAN SCAFFOLD, INC.:

1. Unpaid contributions
(LaNell Decl. ¶ 19 & Ex. 8 (showing calculation of unpaid contributions).) \$323,364.45
2. Liquidated damages
(See, e.g., Nell Decl., Ex. 5 at Art. III, § 3 (authorizing 10% liquidated damages for untimely paid contributions under health and welfare trust agreement); *id.* Exs. 8-9 (showing calculation of total late and unpaid contributions at 10% liquidated damages rate).) 52,933.61
3. Interest on the unpaid contributions
(See, e.g., Nell Decl., Ex. 5 at Art. III, § 3 (authorizing 7% interest on unpaid contributions and liquidated damages); *id.* Ex. 10 (showing calculation of prejudgment interest).) 30,960.25
4. Attorneys' fees:
See Local Rule 55-3 (for judgments exceeding \$100,000, \$5,600 plus 2% of the amount of judgment exceeding \$100,000, or \$5,600 x (.02 x (\$376,298.06-100,000)) = \$5,600 + 5,525.96 = \$11,125.96). 11,125.96
- GRAND TOTAL \$418,384.27
5. Plus costs to be determined after entry of judgment pursuant to the procedure set forth in Local Rule 54.4.

6. Pursuant to 28 U.S.C. §1961(a), this judgment shall bear interest at the rate weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System for the calendar week ending November 10, 2011.¹

AS TO CARPENTERS SOUTHWEST ADMINISTRATIVE CORPORATION and BOARD OF TRUSTEES FOR THE CARPENTERS SOUTHWEST TRUSTS' THIRD CLAIM FOR RELIEF AGAINST AMERICAN SCAFFOLD, a California corporation, doing business as AMERICAN SCAFFOLD, INC.:

1. For issuance of a permanent injunction restraining and enjoining AMERICAN SCAFFOLD for so long as it remains bound to make any payments or contributions to the PLANS, from failing to deliver or cause to be delivered to CARPENTERS SOUTHWEST ADMINISTRATIVE CORPORATION, the following:

a. Complete, truthful and accurate Employers Monthly Reports to Trustees for the period September 2011 through the present,

b. A complete, truthful and accurate Employers Monthly Report to Trustees covering all employees of AMERICAN SCAFFOLD, employed during the previous month under the AGREEMENTS,

c. A declaration from a responsible employee of AMERICAN SCAFFOLD, attesting from his or her personal knowledge under penalties of perjury to the completeness, truthfulness and accuracy for AMERICAN

¹Although usually this rate is usually referenced as the week ending on a Friday, rather than on a Thursday as referenced above, Friday, November 11, 2011, is a federal holiday.

1 SCAFFOLD's Monthly Report; and

2
3 d. Checks for the full amount shown as owing to each Trust on
4 AMERICAN SCAFFOLD's Monthly Report, payable as designated on the
5 Monthly Report.

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7 AS TO CARPENTERS SOUTHWEST ADMINISTRATIVE
8 CORPORATION and BOARD OF TRUSTEES FOR THE CARPENTERS
9 SOUTHWEST TRUSTS' FOURTH CLAIM FOR RELIEF AGAINST ALVIN
10 McDONALD RUIS, JR., an individual:

11		
12	1. Balance on Personal Guarantee	\$197,429.54
13	(See Gifford Decl. Ex. 12 (personal guarantee); <u>id.</u>	
14	Ex. 14 (balance remaining).)	
15	2. Interest on the balance	
16	(<u>Id.</u>)	13,164.37
17	3. Attorneys' fees pursuant to Local Rule 55-3	
18	\$5,600 x (.02 x (\$197,429.54 - \$100,000)) =	
19	\$5,600 + 1,948.59 = \$7,548.59	7,548.59
20	GRAND TOTAL	\$218,142.50
21	4. Plus costs to be determined after entry	
22	of judgment pursuant to the procedure set forth in	
23	Local Rule 54.4.	
24	5. Pursuant to 28 U.S.C. §1961(a), this judgment	
25	shall bear interest at the rate weekly average 1-year	
26	constant maturity Treasury yield, as published by the	
27	Board of Governors of the Federal Reserve System	
28	for the calendar week ending November 10, 2012.	

24 Certain amounts above are duplicative. Specifically, Defendant Ruis
25 executed a personal guarantee for amounts owed by Defendant American Scaffold
26 that have been reduced to judgment herein. (Compare Gifford Decl. Ex. 11
27 (showing personal guarantee for contributions for time periods September 2008,
28 November through December 2008, February 2009 through June 2009, December

1 2009, and January through June 2010) with LaNell Decl. Ex. 8 (showing
2 calculations as including these same time periods). This judgment shall not be
3 executed in a manner that effectuates a double recovery for the same contributions
4 or interest thereon.

5 **IT IS SO ORDERED.**

6
7 DATED: November 22, 2011



9
10 HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

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12 Presented by,
13 DeCARLO, CONNOR & SHANLEY
14 A Professional Corporation

15 By: /s/ Margaret R. Gifford 11/15/11
16 MARGARET R. GIFFORD
17 Attorney for Plaintiffs
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